

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MINGYU ZHU CROSBY,

Petitioner,

v.

Case No. 3:19-cv-00035-AC

RICHARD L. MILLER, District Director,
Portland District of the U.S. Citizenship and
Immigration Services; **U.S. CITIZENSHIP
AND IMMIGRATION SERVICES,**
USCIS,

OPINION AND ORDER

Respondents.

MOSMAN, J.,

On February 3, 2020, Magistrate Judge John V. Acosta issued his Findings and Recommendation (“F&R”) [ECF 19], recommending that this court vacate the decision by the United States Citizenship and Immigration Services (“USCIS”), issued December 10, 2018, denying Ms. Crosby’s application for naturalization, and remand this action to USCIS with

instructions to adjudge that Ms. Crosby is eligible for naturalization, and that her application for naturalization should be granted. Respondents objected on March 3, 2020. [ECF 24]. Ms. Crosby responded to those objections on March 17, 2020. [ECF 25].

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

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CONCLUSION

Upon review, I agree with Judge Acosta's recommendation and I ADOPT the F&R [19]. I GRANT Ms. Crosby's First Petition [ECF 1] and REMAND this case to USCIS for further proceedings. I instruct the agency to adjudge that Ms. Crosby is eligible for naturalization, and that her application for naturalization should be granted.

IT IS SO ORDERED.

DATED this 20 day of March, 2020.

Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge